

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. June, 2013

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Esperion Therapeutics, Inc.

Plaintiff(s),

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

- against -

Daiichi Sankyo Europe GmbH,

Defendant(s).

1:23 CV 02568 (ER)

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This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [**do not consent**] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [**is**] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by March 9, 2024.
4. Amended pleadings may be filed until March 9, 2024.
5. Interrogatories shall be served no later than 90 days before close of fact discovery, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [**shall**] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than August 11, 2023.
7. Non-expert depositions shall be completed by February 9, 2024.
 - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders,

non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than April 26, 2024.
9. Requests to Admit, if any, shall be served no later than 90 days before the close of fact discovery.
10. Expert reports shall be served no later than March 22, 2024.
11. Rebuttal expert reports shall be served no later than April 26, 2024.
12. Expert depositions shall be completed by May 22, 2024.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. **ALL DISCOVERY SHALL BE COMPLETED BY** May 22, 2024.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. Sarah Netburn.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for _____, at _____. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: New York, New York

Edgardo Ramos, U.S. District Judge